UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION 3:19-cv-00072-RJC-DSC

CHARMANE SMITH)
Plaintiff,)
v.	ORDER
BANK OF AMERICA,)
Defendant.)
)

THIS MATTER comes before the Court sua sponte.

Plaintiff filed her Complaint against Defendant on February 12, 2019, (Doc. No. 1), and also filed a Motion for Summary Judgment, (Doc. No. 3). On April 10, 2019, the Court dismissed Plaintiff's Complaint without prejudice for failure to state a claim upon which relief can be granted and for lack of subject matter jurisdiction and denied Plaintiff's Motion for Summary Judgment as premature. (Doc. No. 4). The Court also directed that Plaintiff could file an Amended Complaint within thirty (30) days of the Order and warned Plaintiff that "failure to do so will result in this action being dismissed and closed without further notice." (Doc. No. 4 at 5). Plaintiff had until May 9, 2019 to file an Amended Complaint, yet she failed to do so. The time has now expired, and Plaintiff has failed to prosecute her case.

Federal Rule of Civil Procedure 41(b) provides as follows:

If the plaintiff fails to prosecute or to comply with these rules or a

court order, a defendant may move to dismiss the action or any claim against it. Unless the dismissal order states otherwise, a dismissal under this subdivision (b) and any dismissal not under this rule—except one for lack of jurisdiction, improper venue, or failure to join a party under Rule 19—operates as an adjudication on the merits.

It is Plaintiff's burden to move this case forward, and Plaintiff has failed to do so.

IT IS, THEREFORE, ORDERED that all of Plaintiff's claims against

Defendant are DISMISSED. The Clerk of Court is directed to close this case.

Signed: August 9, 2019

Robert J. Conrad, Jr.

United States District Judge